



## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZCR15-00001  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** March 26, 2015  
**Staff Planner:** Andrew Salloum, 915-212-1613, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 5720 Desert North Boulevard  
**Legal Description:** Lot 1, Block 1, Medano Heights Replat A, City of El Paso, El Paso County, Texas  
**Acreage:** 4.37 acres  
**Rep District:** 1  
**Zoning:** C-3/c (Commercial/conditions)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Conditions: Ordinance No. 014596, dated August 22, 2000, (Attachment 4)  
Conditions: Ordinance No. 16499, dated November 14, 2006, (Attachment 5)  
**Request:** To release all conditions  
**Proposed Use:** Commercial Development

**Property Owner:** E.P. Summit Investments, L. P.  
**Representative:** SLI Engineering, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential) / Vacant  
**South:** C-3/c (Commercial/conditions) / Retail  
**East:** S-D/c (Special Development/conditions) / Vacant  
**West:** M-1 (Manufacturing) / Automobile Dealership Lot / Interstate-10

**PLAN EL PASO DESIGNATION:** G-4, Suburban (Walkable) (Northwest Planning Area)

**NEAREST PARK:** Artcraft Commercial #2 Park (6,150 feet)

**NEAREST SCHOOL:** Hut Brown Elementary (4,317 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association  
Upper Mesa Hills Neighborhood Association  
Coronado Neighborhood Association  
Upper Valley Neighborhood Association  
Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 11, 2015. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

### **CASE HISTORY**

On August 22, 2000, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 014596 (see Attachment 4) as follows:

1. *Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.*

Condition #1 is no longer necessary as the subject property is adjacent to a major arterial frontage street Desert North Boulevard and Interstate-10, which is required to comply with screening and landscaping.

2. *Construction of an eight-foot (8') high masonry screening wall along the easterly property line shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property; therefore this condition has been satisfied.

3. *A minimum of twenty-foot (20') building setback along the easterly property line shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary as the adjacent proposed apartment complex and any proposed development to the east of the subject property are subject to current density and dimensional standards.

4. *Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code. The landscaping shall be included within the required twenty-foot building setback along easterly property line.*

Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

5. *The maximum height of any building or structure within the subject property shall not exceed one story.*

Condition #5 is no longer necessary as any addition to height will serve to screen the surrounding development.

6. *Access from Tuscarora Avenue shall be prohibited.*

Condition #6 does not apply to the subject property as Tuscarora Avenue is not adjacent the subject property.

7. *Construction of a six-foot high masonry screening wall along the southerly property line along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificate.*

Condition #7 is no longer necessary as the condition has been satisfied and is a current requirement.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10.

On November 14, 2006, City Council approved the rezoning request for the subject property from R-5/c (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 016499 (see Attachment 5) as follows:

1. *Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.*

Condition #1 is no longer necessary because the subject property is adjacent to the arterial frontage street Desert North Boulevard and Interstate-10 and a future developed apartment complex to the east of the subject property.

2. *Construction of an eight-foot (8') high masonry screening wall along the easterly property line shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property.

3. *A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

4. *Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso City Code 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.*

Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

5. *The maximum height of any building or structure within the subject property shall not exceed one (1) story.*

Condition #5 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

6. *Access to Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, from and onto Tuscarora Avenue, shall be prohibited.*

Condition #6 is no longer necessary because it is not adjacent the subject property.

7. *That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.*

Condition #7, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle*

*sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10 with no access to any residential development.

#### **APPLICATION DESCRIPTION**

The applicant is requesting to release all conditions imposed on the property by Ordinance No. 014596, dated August 22, 2000, (see Attachment #4) and No. 16499, dated November 14, 2006, (see Attachment #5). The conditions imposed by the rezoning conditions are either current code requirements, are no longer applicable, or have been satisfied. The proposed use shall comply with the all El Paso City Code requirement prior to the issuance of a certificate of occupancy.

#### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the condition release request, as the conditions are either current code requirements, are no longer necessary or have been satisfied.

#### **Plan El Paso- Future Land Use Map Designation**

All applications for a condition release review shall demonstrate compliance with the following criteria:

G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

#### **COMMENTS:**

##### **Planning Division - Transportation**

No objections to the conditions release.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

##### **City Development Department – Building and Development Permitting**

BP & I has reviewed and no objections to proposed conditions release.

##### **City Development Department – Landscape Division**

Landscape Division has reviewed and no objections to proposed conditions release.

##### **City Development Department - Land Development**

No objections.

##### **Fire Department**

Recommended approval.

**Police Department**

Have no concerns or issues with this site or application to report.

**El Paso Water Utilities**

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 16-inch diameter water main along Desert North Boulevard fronting the subject property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing 8-inch diameter water main along Picacho Hills Court fronting the subject property. This main is available for service.

4. Previous water pressure readings from fire hydrant number 10484 on Picacho Hills Court approximately 200-feet east of Desert North Boulevard have yielded a static pressure of 132 pounds per square inch (psi), residual pressure of 124 psi and a discharge of 1186 gallons per minute (gpm).

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sewer main along Picacho Hills Court fronting the subject property. This main is available for service.

General:

7. EPWU requires a new service application to provide service to the property. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**El Paso Water Utilities - Stormwater Division**

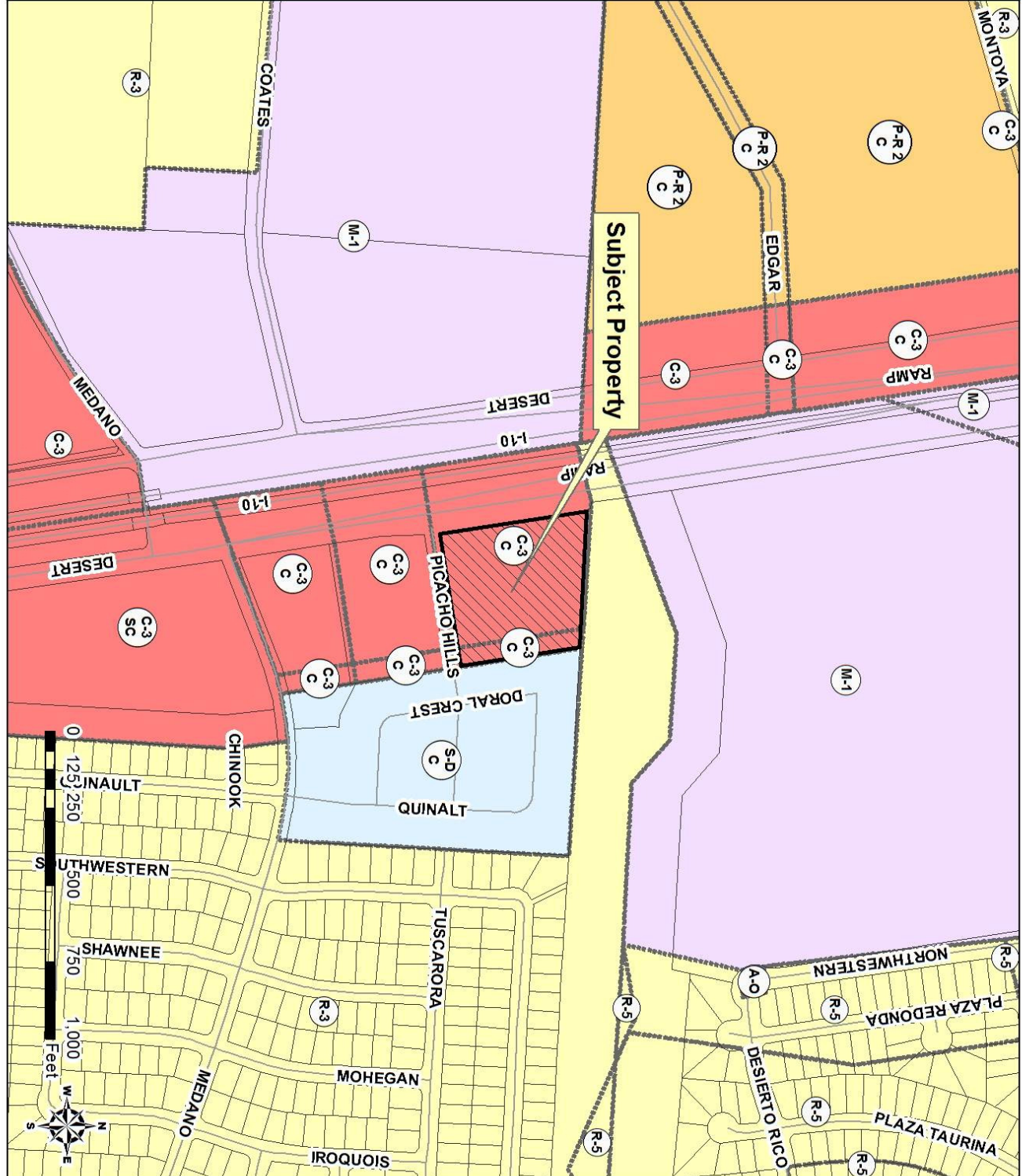
No Objections.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 014596, dated August 22, 2000
5. Ordinance No. 16499, dated November 14, 2006

ATTACHMENT 1: ZONING MAP

PZCR15-00001



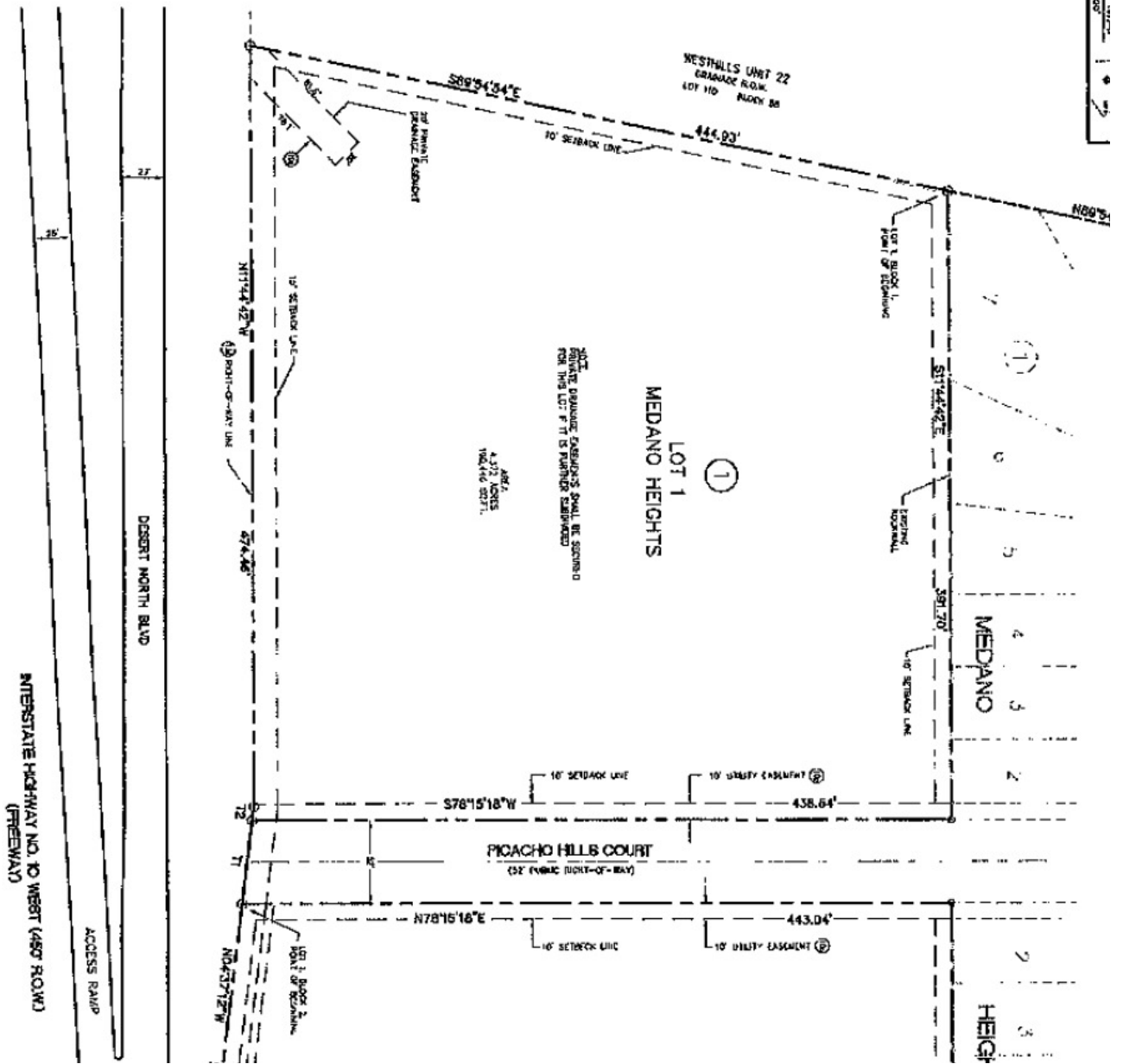


ATTACHMENT 2: AERIAL MAP

PZCR15-00001



# ATTACHMENT 3: CONCEPTUAL SITE PLAN





ORDINANCE NO. 014596

AN ORDINANCE CHANGING THE ZONING OF TRACT 13A, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5900 BLOCK OF NORTH DESERT BOULEVARD) FROM R-3 (RESIDENTIAL) TO C-3/C (COMMERCIAL/CONDITIONS), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *Tract 13A, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to C-3/c (Commercial/conditions)** within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3/c (Commercial/conditions)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.
2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.
3. A minimum of twenty-foot (20') building setback along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of a building permit or certificate of occupancy.
4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code Chapter 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.
5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.
6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.
7. Construction of a six-foot (6') high masonry screening wall along the southerly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY*

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ORDINANCE NO. 014596

Zoning Case No. ZC-00024

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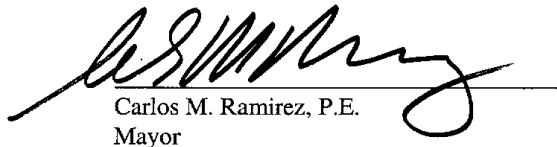
NO. 266 along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of *THREE HILLS ADDITION*, shall be required prior to the issuance of certificates of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.


These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of August, 2000.


**THE CITY OF EL PASO**

  
Carlos M. Ramirez, P.E.  
Mayor

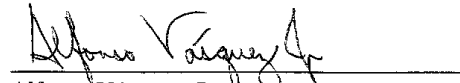
**ATTEST:**

  
Carole Hunter  
City Clerk

**APPROVED AS TO FORM:**

  
Carolyn J. Celum  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
Alfonso Vázquez, Jr.  
Dept. of Planning, Research & Development

(Acknowledgment on following page)

CJC:pme/#71144

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08/15/00

**ORDINANCE NO.** 14586

**Zoning Case No. ZC-00024**

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ORDINANCE NO. 016499

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 13A, S.A. AND M.G. RAILROAD COMPANY SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C (RESIDENTIAL/CONDITIONS) TO C-3/C (COMMERCIAL/CONDITIONS) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of a *portion of Tract 13A, S.A. and M.G. Railroad Company Survey No. 266, El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-5/c (Residential/conditions) to C-3/c (Commercial/conditions)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

Further, that the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.

2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.

3. A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.

4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code Chapter 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.

5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.

6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.

CITY CLERK DEPT.  
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ORDINANCE NO. 016499

Zoning Case No: ZON06-00108

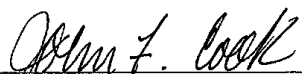
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7. That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.


8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

PASSED AND APPROVED this 14 day of NOVEMBER, 2006.

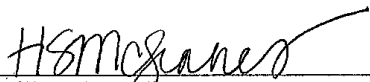
THE CITY OF EL PASO

  
John F. Cook  
Mayor

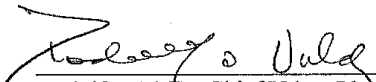
ATTEST:

  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Hillary S. McGinnes  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

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Doc#25596/Planning/ORD/Rezoning/Zon06-00108/HMCG

CITY CLERK DEPT.

ORDINANCE NO. 016499

Zoning Case No: ZON06-00108



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Property Description: Portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266,  
EL Paso, EL Paso County, Texas.

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Southwestern Drive (60' right-of-way) and Tuscarora Drive (60' right-of-way); Thence, North 89° 54' 54" West, along the centerline of Tuscarora Drive, a distance of 150.00 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266 to a point; Thence, North 00° 05' 06" East, along said boundary line, a distance of 405.00 feet to a point lying on the common boundary line of Tract 13A, S.A. and M.G. Survey No. 266 and West Hills Unit Twenty Two; Thence, North 89° 54' 54" West, along said boundary line, a distance of 678.82 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South 11° 44' 42" East, a distance of 942.93 feet to a point;

THENCE, South 64° 40' 06" West, a distance of 64.66 feet to a point;

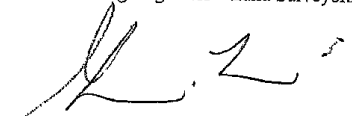
THENCE, North 11° 44' 42" West, a distance of 971.29 feet to a point;

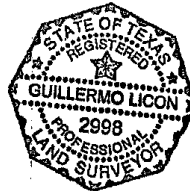
THENCE, South 89° 54' 54" East, a distance of 64.21 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 1.381 acres (60,154 sq. ft.) of land more or less.

A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.,  
Consulting Engineers—Land Surveyors

  
Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



May 26, 2006  
Job Number 09-05-2379

**Exhibit "A"**

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